

PATENT

Attorney Docket No. 1147-0142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:	)	
U.S. Patent No. 5,750,338	)	
Mark L. Collins et al.	)	Group Art Unit: Unassigned
Reissue Serial No.: Unassigned	)	Examiner: Unassigned
Reissue Application Filed: Herewith	)	
For: TARGET AND BACKGROUND	)	
CAPTURE METHODS WITH	)	
AMPLIFICATION FOR AFFINITY	)	
ASSAYS	)	

**BOX REISSUE**  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

**REISSUE DECLARATION UNDER 37 C.F.R. § 1.172 and 1.175**

As a duly authorized representative of the assignee of the entire interest in this patent, I, Norval B. Galloway, do hereby state and declare as follows:

1. I am the Patent Counsel of Vysis, Inc., the Assignee of the entire right, title, and interest in U.S. Patent No. 5,750,338 by virtue of an assignment from the inventors to Amoco Corporation in a predecessor application (U.S. Serial No. 07/136,920), recorded at Reel 4843, Frame 0373, and by virtue of a subsequent Assignment of Patents and Applications from Amoco Corporation to Vysis Inc (copy attached to the Consent of Assignee, Offer to Surrender Original Patent, And Statement Under 37 C.F.R. § 3.73(b), filed herewith). Accordingly, I am empowered to sign this paper on behalf of the Assignee.

000000 9066560  
 000000 9066560

000000" 906E560  
000000" 906E560

2. I believe that Mark L. Collins, Donald N. Halbert, Walter King, and Jonathan M. Lawrie are the original joint inventors of the subject matter which is described and claimed in United States Patent No. 5,750,338, granted on May 12, 1998, and for which a reissue patent is sought on the invention entitled "Target and Background Capture Methods with Amplification for Affinity Assays."

3. I have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims in the Preliminary Amendment filed herewith. I also believe that the claims in the Preliminary Amendment do not enlarge the scope of the claims of the original patent.

4. I acknowledge the duty to disclose information that is material to patentability and to the examination of this reissue application in accordance with 37 C.F.R. § 1.56.

5. I believe that U.S. Patent No. 5,750,338 is partially inoperative because, without any deceptive intention, the inventors claimed less than they had the right to claim in the patent.

6. An error which is a statutory basis for reissue is that the patent fails to contain claims of intermediate scope. *See* Hewlett-Packard Co. v. Bausch & Lomb, Inc., 882 F.2d 1556, 1564-1565, 11 U.S.P.Q.2d 1750, 1757 (Fed. Cir. 1989); *In re Handel* 312 F.2d 943, 945- 46 n.2, 136 U.S.P.Q. 460, 462 n.2 (C.C.P.A. 1963). The Assignee is filing this reissue application to introduce intermediate scope claims.

7. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 8, 2000  
Date

Norval B. Galloway  
Norval B. Galloway, Reg. No. 33,595  
Patent Counsel  
Vysis, Inc.  
3100 Woodcreek Drive  
Downers Grove, Illinois 60515

00000" 906E560  
00000" 906E560

LAW OFFICES  
MEEGAN, HENDERSON,  
ARABOW, CARRETT,  
& DUNNER, L.L.P.  
1200 J STREET, N.W.  
WASHINGTON, DC 20005  
202-606-4000



Charles E. Lipsey, Registration No. 28,165; Charles E. Van Horn, Registration No. 40,266; and Thomas W. Banks, Registration No. 32,719 are hereby appointed associate attorneys in the above-captioned patent with full power to transact all business in the Patent and Trademark Office with respect to the issued patent and to prosecute any underlying or related continuation, divisional, reissue and reexamination application thereof.

Please direct all future communications regarding the above-captioned patent to Norval B. Galloway c/o VYSIS, INC. at the address listed below.

Respectfully submitted,

Date: 12/8/98

By: Norval B. Galloway

VYSIS, INC.  
3100 Woodcreek Drive  
Downers Grove, Illinois 60515-5400

Norval B. Galloway  
Patent Counsel For Vysis, Inc.  
Registration No. 33,595  
Phone: (630) 271-7417  
Facsimile: (630) 271-7054

0080E0" 906EE560  
0080E0" 906EE560

PATENT.

Attorney Docket No. 1147-0142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:	)	
U.S. Patent No. 5,750,338	)	
Mark L. Collins et al.	)	Group Art Unit: Unassigned
Reissue Serial No.: Unassigned	)	Examiner: Unassigned
Reissue Application Filed: Herewith	)	
For: TARGET AND BACKGROUND	)	
CAPTURE METHODS WITH	)	
AMPLIFICATION FOR AFFINITY	)	
ASSAYS	)	

**BOX REISSUE**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

ASSOCIATE POWER OF ATTORNEY

I hereby appoint Jean B. Fordis, Reg. No. 32,984, as an associate attorney to prosecute this reissue application and to transact all business in the Patent and Trademark Office connected therewith.

00000" 906EE560  
00000" 906EE560

LAW OFFICES


FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, D. C. 20005  
202-408-4000

Please send all future correspondence and Office Actions to the following address:

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005-3315  
(202) 408-4000

Respectfully submitted,

March 8, 2000  
Date

  
Norval B. Galloway, (Reg. No. 33,595)  
Patent Counsel  
Vysis, Inc.  
3100 Woodcreek Drive  
Downers Grove, Illinois 60515

00000" 906EE560  
00000" 906EE560

LAW OFFICES  
FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, D.C. 20005  
202-408-4000